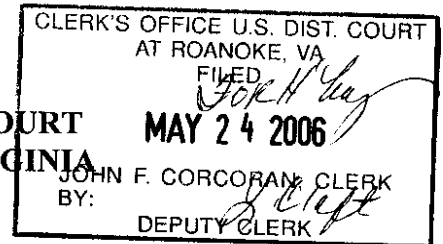


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION



MELNOR, INC.,

Plaintiff,

v.

SKR RESOURCES, INC., and
CHRISTOPHER COREY,

Defendants.

Civil Action No. 5:04CV00113

**MEMORANDUM OPINION AND
ORDER**

By: Samuel G. Wilson
United States District Judge

The court was set to proceed to trial on the sole issue of damages in the above captioned matter on May 23, 2006, and per the request of Christopher Corey, the only remaining defendant, the court assembled a jury. However, without giving notice to the court, Corey failed to appear, and the court dismissed the jury. A court may tax jury costs to a party as a sanction for failing to appear on the day of trial without giving due notice. See Martinez v. Thrifty Drug and Discount Co., 593 F.2d 992 (10th Cir. 1979) (cited with approval in White v. Raymark Industries, Inc., 783 F.2d 1175 (4th Cir. 1986)). Corey's failure to appear yielded unnecessary jury costs in the amount of \$1,683.83. Accordingly, it is hereby **ORDERED** and **ADJUDGED** that Corey is taxed jury costs in the amount of \$1,683.83 as a sanction for his failure to appear at trial without giving the court due notice.

ENTER: This 24th day of May, 2005.


UNITED STATES DISTRICT JUDGE